

REMARKS

In response to the outstanding Office Action, Paper No./Mail Date 20060109, dated January 12, 2006, applicant has carefully studied the references cited by the Examiner and the Examiner's comments relative thereto.

Claim 1 has been amended to include the limitations of dependant Claim 6 as indicated as allowable by the Examiner.

Claims 1-5 and 7-9 have been amended for clarification purposes. The word "said" has been replaced with the word "the", the words "prevent or reduce" have been replaced with the word "militate", the words "ingress or egress" have been replaced with the word "passage", and the words "moisture or water vapor" have been replaced with the word "fluid".

Claim 6 has been cancelled.

Claims 1-5 and 7-9 remain in the application for consideration by the Examiner.

No new matter has been added.

Reconsideration of the application, as amended, is respectfully requested.

The Examiner rejected Claims 1-5 and 7 under 35 USC §102(b) as being anticipated by Hakim (US 3,157,302). The Examiner rejected Claims 8 and 9 under 35 USC §102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hakim. The Examiner objected to Claim 6 as being dependant upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 6 has been cancelled and thus the Examiner's objection to Claim 6 is moot.

The Examiner indicated that Claim 6 would be allowable if rewritten in independent form. Applicant has amended Claim 1 to include the limitations of Claim 6. Amended Claim 1 recites in part, "a closure including... a top panel integrally formed at one end, smaller in diameter than the exterior surface of the container sidewall, and having a top convex surface". It is submitted that Claim 1, as amended, contains allowable subject matter and is patentable.

Claims 2-5 and 7-9 depend from Claim 1 and contain the same limitations as Claim 1. It is submitted that Claims 2-5 and 7-9 are patentable along with Claim 1.

The Examiner's favorable reconsideration of the rejections based upon 35 U.S.C. 102(b) and 35 U.S.C. 103(a) is respectfully requested.

Since the application, as amended, appears to be in condition for allowance, a formal Notice of Allowance is respectfully solicited.

While the applicant's attorney has made a sincere effort to properly define applicant's invention and to distinguish the same from the prior art, should the Examiner deem that other language would be more appropriate, it is requested that a telephone interview be had with the applicant's attorney in a sincere effort to expedite the prosecution of the application.